

**IN THE UNITED STATES DISTRICT COURT OF THE EASTERN DISTRICT OF
PENNSYLVANIA**

DAVID V. HOLLOWAY, Petitioner v. MARK CAPOZZA, Respondent	Civil Action No. 20-3952 Magistrate Judge Timothy R. Rice
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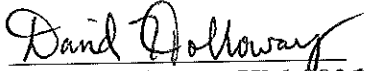
**MOTION TO HOLD THE PROCEEDINGS IN ABEYANCE FOR 60 DAYS WHILE
PETITIONER RETAINS AN ATTORNEY TO REPRESENT HIM IN THE
PROCEEDINGS**

1. On August 12, 2020, Petitioner filed a Petition for Writ of Habeas Corpus in the United States District Court for the Eastern District of Pennsylvania accompanied by a motion to stay the proceedings in abeyance while Petitioner exhausted his state remedies concerning claims of resentencing counsel's ineffectiveness.
2. On November 9, 2020, this Court denied Petitioner's motion to stay the proceedings.
3. On November 14, 2020, Petitioner filed a motion to reconsider the order denying the stay.
4. That motion is currently pending before this Court.
5. It has become exceedingly apparent that Petitioner will not be able to adequately and effectively represent himself during these proceedings.
6. Due to the Coronavirus Pandemic, the prison is on a quarantine lockdown. As a result, Petitioner has not been able to discuss his case with the inmate that was originally assisting him with the current habeas litigation.
7. An additional consequence of the Pandemic is the prison's restrictions on Petitioner's ability to attend the law library. Currently, Petitioner is only permitted to attend the law library for

one hour every two weeks. In that one hour Petitioner must conduct all necessary legal research as well as make all required copies for his pleadings.

8. Petitioner is also an uneducated prisoner who is unlettered in the law, and does not believe he cannot properly articulate his claims to this Court.
9. Given the current prison restrictions and Petitioner's limited legal knowledge, Petitioner does not perceive a possibility of meeting this Court's order which provided Petitioner with only 21 days to file a Reply to the Respondents' Response. Therefore, Petitioner believes that it prudent, if not absolutely necessary, that he seeks the assistance of private counsel.
10. Petitioner's family has informed him that they are currently in discussions with an attorney and are in the process of ironing out a fee agreement for her to represent Petitioner in the instant habeas proceedings.
11. **WHEREFORE**, in the interest of justice, Petitioner is requesting that the current proceedings be held in abeyance for 60 days while Petitioner settles a fee agreement for the above mentioned attorney to represent Petitioner in these proceedings.

Respectfully Submitted,


David Holloway, HM-99314
SCI Fayette
50 Overlook Drive
LaBelle, PA 15450

**IN THE UNITED STATES DISTRICT COURT OF THE
EASTERN DISTRICT OF PENNSYLVANIA**

DAVID V. HOLLOWAY
Petitioner

v.

MARK CAPOZZA
Superintendent

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}
No. 20-3952 (CDJ)

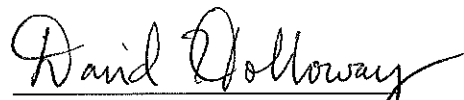
PROOF OF SERVICE

I hereby certify that a true and correct copy of the **MOTION TO STAY THE INSTANT HABEAS PROCEEDINGS FOR 60 DAYS WHILE PETITIONER RETAINS AN ATTORNEY TO REPRESENT HIM IN HIS § 2254 PROCEEDINGS** has been sent via first class mail to the following:

Clerk of Courts: Kate Barkman, Rm. 2609
United States Courthouse
Independence Mall West
601 Market St.
Philadelphia, Pa. 19106

Philadelphia District Attorney's Office
Lawrence Krasner
Three S. Penn Sq., FL. 19.
Philadelphia, Pa. 19107

Date: 11-17-2020


David Holloway, HM-9934
S.C.I. Fayette
50 Overlook Drive
LaBelle, PA 15450

David Holloway, HM-993⁴
SCI Fayette
50 Overlook Drive
LaBelle, PA 15450

November 18, 2020

Clerk of Courts: Kate Barkman, Rm. 2609
United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106

Re: Holloway v. Capozza, No. 20-3952

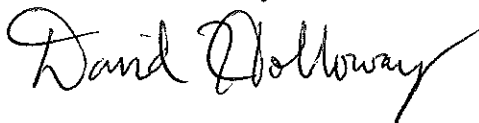
Dear Clerk Barkman,

Enclosed please find four copies of my **MOTION TO HOLD THE PROCEEDINGS IN ABEYANCE FOR 60 DAYS WHILE PETITIONER RETAINS AN ATTORNEY TO REPRESENT HIM IN THE PROCEEDINGS.**

Thank you for your time and cooperation in this important matter.

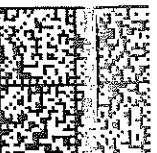
Sincerely,

David Holloway

A handwritten signature in cursive script that reads "David Holloway". The signature is written in dark ink and is positioned below the printed name.

David Holloway, HM9934
SCI Fayette
50 Overlook Drive
La Belle, PA 15450

Inmate Mail
PA Department of Corrections



US
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U.S.M.S.
X-PRAY.S

Clerk of Courts: Kate Barkman, Rm
United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106